IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER NO.254 OF 2004

For Approval and Signature:

HON'BLE MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MANGALDEEP SEEDS
(THROUGH ITS PROPRIETOR - DIPAKBHAI H. BHIMANI)

Versus

NATVARLAL PITAMBARDAS PATEL & ORS.

Appearance:
1. Appeal from Order No. 254 of 2004
MR. T.V. SHAH for Appellant
MR. B.S. PATEL for Respondent Nos. 1-2
MRS. RANJAN B. PATEL for Respondent Nos. 1-2
RULE SERVED for Respondent Nos. 3,6
RULE UNSERVED for Respondent No. 4
RULE NOT RECD BACK for Respondent No. 5
MR. BHARAT B. KANSARA for Respondent No. 7

CORAM : HON'BLE MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 05/08/2004

ORAL JUDGEMENT

1. The appellant, original plaintiff, has filed this Appeal From Order being aggrieved of order dated 9th July, 2004 passed below Exh.6 (injunction application) in Civil Suit No.1692 of 2004, whereby the learned Judge was pleased to dismiss the Notice of Motion and vacate the interim relief granted below the Notice of Motion, Exh.5/6.

2. Heard Mr.T.V.Shah, learned Advocate for the appellant, at length. Mr.Shah tried to strenuously assail the impugned order passed by the learned Judge, but, in the considered opinion of this Court, the order under challenge does not call for any intervention, more so, on the perusal of the documents made available by Mr.Shah to the Court. The Court has not found any reason to interfere with the order passed by the learned Judge. However, at the request of the learned Advocate for the appellant, it is clarified that all observations made by the learned Judge in the order under challenge are `prima facie' and the learned Judge need not be influenced by any of them at the time of deciding the suit. With this clarificatory note, this Appeal From Order is dismissed with no order as to costs.

(Ravi R. Tripathi, J.)

kamlesh*